

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL	)	MDL No. 146
INDUSTRY AVERAGE	)	
WHOLESALE PRICE LITIGATION	)	CIVIL ACTION: 01-CV-12257 PBS
	)	
	)	Judge Patti B. Saris
THIS DOCUMENT RELATES TO	)	
ALL CLASS ACTIONS	)	<b>[FILED UNDER SEAL]</b>
	)	

**DECLARATION OF THOMAS M. SOBOL IN SUPPORT  
OF CLASS PLAINTIFFS' MOTIONS TO STRIKE DECLARATIONS OF  
ERIC M. GAIER, PH.D., ROBERT P. NAVARRO, AND STEVEN J. YOUNG**

I, Thomas M. Sobol, declare as follows.

1. I am a member of the law firm of Hagens Berman LLP. I submit this Declaration in Support of Plaintiffs' Motions to Strike Declarations of Eric M. Gaier, Ph.D., Robert P. Navarro, and Steven J. Young. I have personal knowledge of the facts stated in this Declaration. If called as a witness, I could and would testify competently to them.

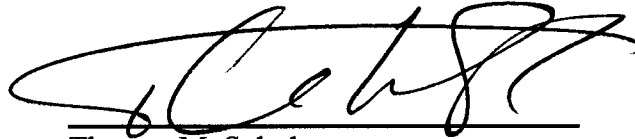
2. Attached as Exhibit 1 through 13 hereto are true and correct copies of the following:

**Exhibit Document**

1. Deposition Transcript of Eric M. Gaier, Ph.D., Vol. I (Nov. 15, 2004)
2. Track 1 Defendants' Memorandum in Opposition to Class Certification
3. Declaration of Eric M. Gaier, Ph.D. in Support of Defendants' Opposition to Class Certification
4. Deposition Transcript of Eric M. Gaier, Ph.D., Vol. II (Nov. 16, 2004)
5. Declaration of Robert P. Navarro in Support of Defendants' Opposition to Class Certification
6. Deposition Transcript of Robert P. Navarro (Nov. 17, 2004)
7. Excerpt from Robert P. Navarro, *Managed Care Pharmacy Practice*, Aspen Publication, Gaithersburg, MD (1999)

8. Excerpt from A. I. Wertheimer and Robert P. Navarro, eds., *Managed Care Pharmacy*, Haworth Publications, Binghamton, NY (1999)
9. Declaration of Steven J. Young in Opposition to the Plaintiff's Motion for Class Certification
10. Deposition Transcript of Steven J. Young, Vol. I (Nov. 18, 2004)
11. Deposition Transcript of Steven J. Young, Vol. II (Nov. 19, 2004)
12. *In re Lupron Marketing and Sales Practices Litigation*, excerpts from the Deposition of Steven J. Young (Jul. 13, 2004)
13. Non-Medicare Scatters, Exhibit 15 to the Declaration of Steven J. Young in Opposition to the Plaintiff's Motion for Class Certification, *also* Exhibit 8 to the Deposition of Steven J. Young (Nov. 18-19, 2004)

I declare under penalty of perjury under the laws of the Commonwealth of Massachusetts that the foregoing is true and correct and that this Declaration was prepared in the Commonwealth of Massachusetts on December 17, 2004.



Thomas M. Sobol

**CERTIFICATE OF SERVICE**

I hereby certify that I, Thomas M. Sobol, an attorney, caused a true and correct copy of the foregoing, **Declaration of Thomas M. Sobol in Support of Plaintiffs' Motions to Strike Declarations of Eric M. Gaier, Ph.D., Robert P. Navarro, and Steven J. Young** to be electronically filed with the Court pursuant to the December 16, 2004 Order and to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on December 17, 2004, a copy to Verilaw Technologies for Posting and notification to all parties.

/s/ Thomas M. Sobol  
Thomas M. Sobol  
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